

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES R.W. MITCHELL,
Petitioner,

v.

CSP-CORCORAN, et al.,
Respondents.

Case No. [15-cv-04919-VC](#) (PR)

**ORDER DENYING PETITIONER'S
REQUEST FOR APPOINTMENT OF
COUNSEL**

On October 26, 2015, James Mitchell filed a motion for appointment of counsel in this habeas action. The Sixth Amendment right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). Title 18 U.S.C. § 3006A(a)(2)(B), however, authorizes a district court to appoint counsel to represent a habeas petitioner whenever “the court determines that the interests of justice so require” and such person is financially unable to obtain representation. Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See Chaney*, 801 F.2d at 1196; *Eskridge v. Rhay*, 345 F.2d 778, 782 (9th Cir. 1965).

The Court finds that exceptional circumstances entitling Mitchell to court appointed counsel do not exist at this time. Accordingly, the interests of justice do not require appointment of counsel, and Mitchell’s motion is DENIED. This denial is without prejudice to the Court’s *sua sponte* reconsideration should the Court find appointment of counsel is necessary following consideration of the merits of Mitchell’s claims.

This Order terminates Docket No. 2.

IT IS SO ORDERED.

Dated: November 9, 2015



VINCE CHHABRIA
United States District Judge